

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)	
)	ADMINISTRATIVE ORDER
Indiana Michigan Power Company)	EPA-5-98-113 (A) -IN- 2
Tanners Creek Station)	
Lawrenceburg, Indiana)	
)	
PROCEEDING PURSUANT TO)	
SECTIONS 113(a) (1) AND 114(a))	
OF THE CLEAN AIR ACT, 42 U.S.C)	
SS 7413(a) (1) and 7414(a))	
)	

STATUTORY AUTHORITY

The following Consent Order ("Order") is issued pursuant to Sections 113(a) (1) (A) and 114(a) (1) of the Clean Air Act ("Act"), as amended, 42 U.S.C. SS 7413(a) (1) (A) and 7414(a) (1).

REGULATORY BACKGROUND

1. Section 110 of the Act, 42 U.S.C. § 7410, requires each State to submit a plan (the State Implementation Plan or "SIP") to the Administrator of the United States Environmental Protection Agency ("U.S. EPA") for attaining and maintaining the National Ambient Air Quality Standards.
2. Section 113(a) (1) (A) of the Act, 42 U.S.C. § 7413(a) (1) (A), in applicable part, authorizes the Administrator of the U.S. EPA ("Administrator") to issue an order requiring a person to comply with the requirements of a SIP whenever the Administrator, based on any information available, finds that such a person has violated or is in violation of the requirements of the SIP.
3. On January 19, 1989, 54 FR 2112, U.S. EPA approved the sulfur dioxide limitations of the Indiana SIP as they apply to Indiana Michigan Power Co. ("I&M"). These limitations, found at 325 IAC 7-1-20, list among other provisions, sulfur dioxide emission limitations for unit 4 of 5.24 lbs./mmBTU. Indiana recodified this rule as 326 IAC 7-4-13 on August 28, 1990.

FINDINGS

4. I&M is the owner and operator of a steam and electric-generating power plant, designated Tanners Creek Station ("Tanners Creek"), located at I&M Street, Lawrenceburg, Indiana.
5. Tanners Creek consists of 4 coal-fired boilers which are subject to the Indiana Rule for sulfur dioxide at 326 IAC 7-4-13. 326 IAC 7-4-13(1) limits the sulfur dioxide emission rate of coal delivered to Tanners Creek to 6.6 lbs./mmBTU and also limits boiler unit 4's sulfur dioxide emissions to 5.24 lbs./mmBTU.
6. U.S. EPA issued a Notice of Violation ("NOV") to I&M on June 18, 1998, alleging violations of the limits in 326 IAC 7-4-13(1).
7. On July 16, 1998, I&M met with U.S. EPA to discuss the violations cited in the June 18, 1998, NOV.
8. After review of the information provided to the U.S. EPA and an investigation of the relevant facts, U.S. EPA has determined to resolve the matter through the compliance program set forth in this Order.

THEREFORE, IT IS ORDERED AND AGREED THAT:

ORDER

9. By no later than the effective date of this Order, the Tanner's Creek Station shall achieve and maintain continuous compliance with Indiana Rule 326 IAC 7-4-13 on boiler unit 4.
10. As of the effective date of this Order, I&M shall commit to burning only coal with an as fired sulfur content of 3.00% or lower in boiler unit 4.
11. Compliance with paragraph 10 shall be demonstrated on a daily average basis through fuel sampling and analysis data. This data is to be collected for each calendar day and included in the quarterly reports required by this Order.
12. In order to assess compliance with the limits included in this Order, I&M shall continue to submit calendar quarterly sulfur dioxide emissions reports to IDEM. In addition, I&M shall submit calendar quarterly monitoring reports to U.S. EPA showing the total operating time for boiler unit 4, a summary of each incidence of daily exceedence of the emission limits agreed to in this Order, and daily fuel sampling and analysis or CEM data for the calendar quarter. These reports shall be submitted within 30 calendar days of the end of each quarter.

13. I&M shall submit quarterly reports to:

Shaun Burke
Environmental Engineer
Mail Code (AE-17J)
United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

With copies to:

Felicia George, Assistant Commissioner
Office of Air Management
Indiana Department of Environmental Management
P.O. Box 6015
100 North Senate
Indianapolis, Indiana 46206

GENERAL PROVISIONS

14. Nothing contained in this Order shall affect the responsibility of I&M to comply with all applicable Federal, State or local laws or regulations.
15. The provisions of this Order shall apply to and be binding upon I&M, its officers, directors, agents, servants, employees and any successor(s) in interest. I&M shall give notice of this Order to any successor(s) in interest prior to transfer of ownership, and shall simultaneously send a copy of such written notice to:
- Chief, Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5 (AE-17J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590
16. Nothing in this Order shall be construed to prevent, or limit, the U.S. EPA's authority under Sections 113 or 114 of the Act, 42 U.S.C. §§ 7413 and 7414.
17. Pursuant to Section 114 of the Act, 42 U.S.C. § 7414, the Administrator or authorized representative of the U.S. EPA upon presentation of his or her credentials, shall have the right of entry into, upon and through Tanners Creek, for the purpose of carrying out any inspections, taking photographs, and at reasonable times, reviewing any records, and, subject to applicable safety requirements, observing tests, and

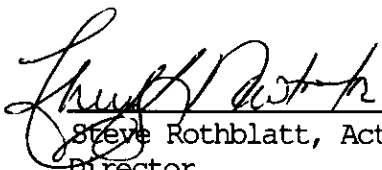
conducting any tests, which are deemed by the Administrator to be necessary to ensure compliance with this Order.

18. Pursuant to regulations appearing in 40 C.F.R. §§ 2.100 et seq., I&M is entitled to assert a business confidentiality claim covering any part of the submitted information which is not emission data or necessary to determine emission data. Failure to assert such a claim makes the submitted information available to the public without further notice. Information subject to a business confidentiality claim may be available to the public only to the extent set forth in the above-cited regulations.
19. Any information submitted in response to this Order may be used by U.S. EPA in support of an administrative, civil, or criminal action. Knowing submittal of false information to U.S. EPA, in response to this Order, may be actionable under Section 113(c) (2) of the Act, as well as 18 U.S.C. § 1001 and 18 U.S.C. § 1341.
20. All submissions or reports required under this Order shall be accompanied by the following certification by a responsible official of I&M:

"I certify that the information contained in or accompanying this submission is true, accurate and complete. This certification is based on either my personal preparation, review, analysis of the submission, and/or supervision of persons who, acting on my direct instructions, made the verification that the submitted information is true, accurate and complete."
21. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information in an administrative action or investigation involving the U.S. EPA and specific individuals or entities.
22. I&M is hereby notified that it may be subject to noncompliance penalties under Section 113(d) of the Act, 42 U.S.C. § 7413(d) and Section 120 of the Act, 42 U.S.C. § 7420, for any noncompliance with the terms of this Order.
23. For the purpose of this Consent Order, I&M waives the right to notice of the Administrator's finding of violation as required by Section 113(a) (1) of the Act, 42 U.S.C. § 7413(a) (1)
24. I&M consents to this Order and to U.S. EPA's authority to enforce it for settlement purposes only and does not admit any finding, conclusion, violation or liability.


25. This Order is effective on the date of signature by the Director, Air and Radiation Division, U.S. EPA, Region 5, and shall remain in effect for a period of three years from the date of signature.
26. This Order and compliance with its terms shall resolve all alleged violations related to U.S. EPA's June 18, 1998, Notice of Violation.

10/30/98
Date


Steve Rothblatt, Acting
Director
Air and Radiation Division
U.S. EPA, Region 5

Indiana Michigan Power Company consents to the issuance of this Order and waives any and all rights to challenge this Order.

10/16/98
Date


By James J. Markowsky, Ph.D., Vice President
Indiana Michigan Power Company

CERTIFICATE OF MAILING

I, Betty Williams, do hereby certify that an Order was sent
by Certified Mail, Return Receipt Requested, to:


Mike Robida
Manager - Air Quality Section
American Electric Power Company
1 Riverside Plaza
Columbus, Ohio 43215

I also certify that a copy of the Order was sent by first class
mail to:

Felicia George
Assistant Commissioner
Office of Enforcement
Indiana Department of Environmental Management
P.O. Box 6015
100 North Senate
Indianapolis, Indiana 46206

Richard D. Zeiler, Chief
Compliance Branch
Office of Air Management
Indiana Department of Environmental Management
100 North Senate
Indianapolis, Indiana 46206

on the 30th day of October 1998.


Betty Williams, Secretary
AECAS (IL/IN)

P140894252
CERTIFIED MAIL RECEIPT NUMBER